

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THOMAS C. SOSA, JR,	§	
#02374326,	§	
PETITIONER,	§	
	§	
V.	§	CIVIL CASE No. 3:24-CV-75-E-BK
	§	
DIRECTOR, TDCJ-CID,	§	
RESPONDENT.	§	

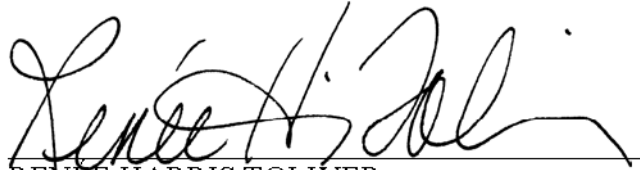
**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and Special Order 3, this *pro se* civil action was referred to the undersigned United States magistrate judge for case management, including the issuance of findings and a recommended disposition where appropriate. On January 8, 2024, Petitioner Thomas C. Sosa, Jr., filed a federal petition for writ of habeas corpus under [28 U.S.C. § 2254](#), challenging his Dallas County conviction for aggravated robbery in Case No. F21-54206. [Doc. 3](#). Sosa complains that the state criminal court failed to make factual findings about his actual innocence and newly discovered evidence (two video tapes from a 7-Eleven store, which he claims are maintained by the District Attorney's office). [Doc. 3 at 5](#).

A review of this Court's records confirms Sosa has a pending habeas corpus action in this court, in which he challenges the same conviction. *See Sosa v. State of Texas*, No. 3:22-CV-2078-K-BN. In that case, Sosa alleges actual innocence and ineffective assistance of counsel, in misadvising him to plead guilty and failing to investigate his competency. The State filed a response in opposition and Sosa filed a reply.

Thus, this case should be **DISMISSED** *sua sponte* and without prejudice as duplicative. No prejudice will result to Sosa as he can request leave to amend or supplement his petition in Cause No. 3:22-cv-02078-K-BN to raise any other arguments.¹

SO RECOMMENDED on February 22, 2024.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).

¹ *See* Rule 4(b) of the RULES GOVERNING SECTION 2254 PROCEEDINGS (Habeas Rule 4) (“If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.”).